

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT KELLY,

Plaintiff,

v.

ORDER

19-CV-11369 (PMH)

THE CITY OF MOUNT VERNON, et al.,

Defendants.

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PHILIP M. HALPERN, United States District Judge:

Counsel for defendant Richard Thomas (“Thomas”) moved this Court by letter-motion on March 3, 2021 for an Order directing defendant the City of Mount Vernon (the “City”) to pay their legal fees in connection with their representation of Thomas in this action. (Doc. 137). The City has not filed opposition or otherwise responded to Thomas’s counsel’s application.

Pursuant to this Court’s August 19, 2020 Order, the City was to “take such steps as are necessary to effectuate the retention and payment of Thomas’ counsel.” (Doc. 93). Thomas’s counsel advises that the City’s Corporation Counsel approved the fees and requested that the City’s Comptroller issue payment to the firm, but the City has not paid said fees nor has it advised when the fees would be paid. (Doc. 137).

Accordingly, by March 19, 2021, the City’s Corporation Counsel shall ensure that any attorney invoices for work performed in this matter by Thomas’s counsel that were submitted to the Corporation Counsel are transmitted to the Comptroller’s Office, to the extent they have not already been transmitted. If the Comptroller’s Office reports that there are insufficient funds in specified accounts to pay the outstanding invoices, the Corporation Counsel and the Comptroller’s Office are directed to confer and identify appropriate sources of funding to pay these invoices.

On or before March 26, 2021, Thomas’s counsel is directed to provide a written update to


the Court regarding the status of their outstanding invoices. On or before April 2, 2021, the City is directed to provide a report from the Comptroller's Office regarding the status of payment of the outstanding invoices.

Counsel of record for the City is directed to provide a copy of this order to the Corporation Counsel and the Comptroller's Office.

The Clerk is directed to terminate the pending motion (Doc. 137).

Dated: White Plains, New York
March 12, 2021

SO ORDERED:



Philip M. Halpern
United States District Judge